

Van Leeuwen & Van Leeuwen  
6123 Pebble Garden Court  
Austin, Texas 78739  
Phone # 512-301-6738  
FAX # 512-301-6742

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DATE: November 9, 2004

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SEND TO: United States Patent Office

Examiner: Borrissov, Igor N.

Group Art Unit: 3629

Tel No: 703-305-4649

Fax #: 703-872-9306

FROM: Leslie A. Van Leeuwen

Tel No: 512-301-6738

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Docket No. AUS920000484US1

Serial No. 09/704,573

Atty: DAM / JVL

Applicant: Rodriguez, et al.

<input type="checkbox"/> Transmittal Letter (2 copies)	<input type="checkbox"/> Certificate of Facsimile (incl. w/Amendment)
<input type="checkbox"/> Amendment ( <u>  </u> pages)	<input checked="" type="checkbox"/> Notice of Appeal (2 copies)
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Deposit Acct. No. 09-0447

Fees: Amendment \_\_\_\_\_ Notice of Appeal \$340 Appeal Brief \_\_\_\_\_ Other \_\_\_\_\_

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§ Group Art Unit: 3629
Rodriguez, et. al.	§
Serial No.: 09/704,573	§ Examiner: Borrissov, Igor N.
Filed: November 3, 2000	§ Attorney Docket No. AUS920000484US1
Title: System and Method for Updating User Home Automation Systems	§ IBM Corporation, IP Law Department § 11400 Burnet Road § Internal Zip 4054 § Austin, Texas 78758

Certificate of Facsimile Under C.F.R. §1.8(a)

I hereby certify that this correspondence was sent via facsimile to the United States Patent Office to telephone number 703-746-7238 on November 9, 2004.

By:

Leslie A. Van Leeuwen

11/9/04

Date

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

Commissioner for Patents  
Washington, D.C. 20231

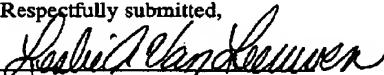
Sir:

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed August 9, 2004, finally rejecting claims 6-9, 11-13, 18-20, and 25-37.

The item(s) marked below are appropriate:

1.  A petition and fee for extension of term for reply to the final rejection is attached.
2.  Appeal fee  
 other than a small entity. Fee: \$340.00
3.  Payment  
 Please charge Deposit Account 09-0447 the sum of \$340.00. A duplicate of this notice is attached.

Respectfully submitted,

By   
Leslie A. Van Leeuwen  
Attorney for Applicant  
Registration No. 42,196  
Telephone: (512) 301-6738  
Facsimile: (512) 301-6742

Docket No. US920000484US1

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Rodriguez, et. al. - 09/704,573

Atty Ref. No. IBM-0032

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*Leslie A. Van Leeuwen*  
Leslie A. Van Leeuwen

*11/9/04*  
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By *Leslie A. Van Leeuwen*  
Leslie A. Van Leeuwen  
Attorney for Applicant  
Registration No. 42,196  
Telephone: (512) 301-6738  
Facsimile: (512) 301-6742

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Atty Ref. No. IBM-0032